



1 I, David G. Coyle, declare:

2 1. I have personal knowledge of the facts in this declaration. If called as a  
3 witness I could and would testify to them.

4 2. I am the president and a co-owner of ArtBrokers, Inc., an art publisher  
5 and dealer in Sausalito, California. Before we moved to Sausalito in May to  
6 June 2007, we were located in Mill Valley, California. Our business has been in  
7 Marin County since it was founded in 1991.

8 3. ArtBrokers, Inc. creates, sells, and consigns high-quality prints created  
9 by a number of artists. These high-quality prints include "giclées," which are very-  
10 high-resolution prints that can be printed on canvass or high-quality paper. Among  
11 the many artists we work with are Brennie Brackett, Victoria Ryan, and Woodward  
12 Payne. Images of the works of these and other artists, and further information about  
13 ArtBrokers, Inc., may be found at [www.artbrokersinc.com](http://www.artbrokersinc.com). Ms. Brackett's giclées are  
14 sold exclusively through ArtBrokers, Inc.

15 4. Kevin Barry is an art dealer in Los Angeles, California. He runs Kevin  
16 Barry Fine Art Associates. Among other things, Mr. Barry and his company select,  
17 purchase, offer, and sell art to hotels, including Hilton Hotels, for use in hotel rooms  
18 across the United States. Starting at least as long ago as May 2003, Kevin Barry and  
19 Kevin Barry Fine Art Associates have regularly procured art from ArtBrokers, Inc.  
20 here in Marin County. We ended this business relationship with Kevin Barry and  
21 with Kevin Barry Fine Art Associates in February of this year, when we discovered  
22 the improprieties described below.

23 5. From at least 2003 through January 2008, ArtBrokers, Inc. had both a  
24 consignment relationship and a purchasing relationship with Mr. Barry and his  
25 company. Under the consignment relationship, we would ship art on consignment  
26 to Mr. Barry in southern California, from our facilities in Marin County. When  
27

1 Mr. Barry sold this artwork his company would pay us for the artwork. We were  
2 paid in Marin County, at our offices. Under the sales relationship, Mr. Barry or his  
3 representatives would browse our art collection, and, when they were interested in  
4 particular pieces, they would buy them from us. In each case the art was ordered  
5 from us in Marin County, shipped from Marin County, and invoiced from Marin  
6 County. Payment would also be made to us in Marin County.

7         6. Attached to this declaration as Exhibit A is a true and correct printout  
8 from ArtBrokers' bookkeeping software. This printout shows accounts receivables  
9 transactions between our company and Kevin Barry Fine Art Associates from  
10 May 2003 to February 2008. The printout shows over eighty transactions between  
11 our company and Kevin Barry Fine Art Associates. Some of these entries reflect  
12 invoices sent to Mr. Barry from our office, while some reflect payments Mr. Barry's  
13 company made to us at our offices. This printout is a compilation of bookkeeping  
14 data recorded at or near the time of the transaction recorded. The data was kept in  
15 the course of our regular business activity. It is the regular practice of our business to  
16 make and keep such bookkeeping data.

17         7. Attached to this declaration as Exhibit B are true and correct copies of a  
18 sampling of individual invoices and consignment records our company exchanged  
19 with Kevin Barry Fine Art Associates. These invoices and consignment records were  
20 created at or near the time of the transaction they record. The documents were kept  
21 in the course of our regular business activity. It is the regular practice of our business  
22 to keep such records.

23         8. Mr. Barry and at least one of his employees have visited our Marin  
24 County offices. For example, Mr. Barry visited our Mill Valley showroom and  
25 looked through prints of our artwork. On another occasion Allison Barry,  
26 Mr. Barry's daughter and an employee of Kevin Barry Fine Art Associates, visited  
27

1 our showroom. A true and correct copy of an e-mail I received from Kevin Barry's  
2 company, entitled, "Allison Barry Will be in the Bay Area and Beyond Showing New  
3 Canvases May 3rd, 4th, and 5th," is attached to this declaration as Exhibit C.

4 9. In addition to his ongoing relationship with our company, Mr. Barry  
5 and his company routinely conducted other business in Northern California,  
6 including in the Bay Area and in Marin County. For example, Allison Barry  
7 competed with us over who would supply artwork to Design Atelier, a San Rafael-  
8 based interior design firm. In more than one instance, Kevin Barry Fine Art  
9 Associates won the business and supplied the art to Design Atelier.

10 10. In late 2005 or early 2006, Kevin Barry, through his company,  
11 purchased prints of the artwork of several of our client artists, including limited  
12 edition prints by Brennie Brackett, Victoria Ryan, and Woodward Payne. Included in  
13 the prints Barry's company purchased were limited-edition giclées of *Falling Into*  
14 *Place*, *Winter's Velvet*, and *Great Expectations*, all by Brennie Brackett. The order for  
15 these prints was placed with ArtBrokers, Inc. by a telephone call or fax to our offices  
16 in Marin County. The art was shipped from our Marin County offices. We invoiced  
17 for the sale from Marin County, and Kevin Barry Fine Art Associates made payment  
18 to us in Marin County. Attached to this declaration as Exhibit D are true and correct  
19 copies of images of *Falling Into Place*, *Winter's Velvet*, and *Great Expectations*.

20 11. Attached to this declaration as Exhibit E is a true and correct copy of  
21 our invoice to Kevin Barry Fine Art Associates for his purchase of, among other  
22 artworks, limited edition giclées of *Falling Into Place* and *Winter's Velvet* by Brennie  
23 Brackett, *Awakening* and *Early Dawn* by Victoria Ryan, and *Summer Aerial* by  
24 Woodward Payne. The invoice attached as Exhibit E was made at or near the time of  
25 Kevin Barry's purchase of these prints, and has been kept in the course of our regular  
26  
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1 business activity. It is the regular practice of our business to make and keep such  
2 invoices.

3 12. Brennie Brackett lives in Sonoma County, California. Woodward  
4 Payne lives in Marin County, California. Victoria Ryan lives in Humboldt County,  
5 California.

6 13. Sometime around the time Kevin Barry purchased the prints discussed  
7 above, he spoke with me and inquired whether any of our artists might be willing to  
8 make bulk sales of their artwork to his company. In another conversation many  
9 months later, Mr. Barry asked me about bulk purchases of several our artists' work.  
10 These artists included Brennie Brackett, Woodward Payne, and Victoria Ryan. At  
11 this point, he mentioned a proposed, per-print price of \$5. I considered this to be a  
12 grossly inadequate price. I told Barry that none of my artists would be willing to  
13 make bulk sales to him at that price. In each of these calls I spoke to Barry from my  
14 offices in Marin County.

15 14. Earlier this year, Kevin Barry directly contacted Victoria Ryan about  
16 whether she would be willing to sell him her artwork in bulk. This, in my view, was  
17 an end-run around me and my company. In my view direct contact with an artist  
18 about a work sold through her publisher is a violation of industry norms and ethics.  
19 Mr. Barry told Ms. Ryan that he wanted to buy her artwork in bulk quantities for  
20 resale to a Hilton Hotel chain known as Homewood Suites.

21 15. Ms. Ryan then contacted me and told me of Mr. Barry's call. I  
22 subsequently looked at the Hilton Hotels website, and in the Homewood Suites area  
23 I saw web pages featuring the very same Brennie Brackett prints Kevin Barry had  
24 purchased from my company. I also saw reproductions that looked like the artwork  
25 of Woodward Payne and Victoria Ryan.

1           16.     In my search of the Hilton websites for artwork by our client artists, I  
2 saw two kinds of images of Brennie Brackett's art. In the first, Hilton created web  
3 pages showing model hotel rooms available for purchase by hotel franchisees. On  
4 these pages I saw all three Brennie Brackett works I had sold to Kevin Barry: *Falling*  
5 *Into Place*, *Winter's Velvet*, and *Great Expectations*.

6           17.     In addition, I saw two of these three works, apparently slightly  
7 modified, on the web pages of individual Homewood Suites hotels. These appeared  
8 when I would click a "Virtual Tour" button on that hotel's web page. The  
9 photographs containing Ms. Brackett's prints on these pages were in some cases  
10 different from the ones featuring the model rooms, and different from hotel to hotel.  
11 Based on the number of distinct hotels whose "Virtual Tour" showed Ms. Brackett's  
12 work, and what I could learn about the approximate number of rooms per hotel, I  
13 concluded there were hundreds or even thousands of copies of Brackett prints  
14 hanging on the walls of Homewood Suites hotel rooms.

15           18.     Attached to this declaration as Exhibit F are true and correct copies of  
16 some of the images of Ms. Brackett's work I found on the Homewood Suites web  
17 pages.

18           19.     Our own company occasionally sells artwork to Hilton from our offices  
19 in Marin County. When purchases are made for Hilton, a company called Hilton  
20 Supply Management, Inc. makes the actual purchases. It then makes payment to us  
21 in Marin.

1 I declare that the above is true under penalty of perjury under the laws of the  
2 State of California.

3  
4 DATED: May 28, 2008

5 (See Attached Original)

6 David G. Coyle  
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1 I declare that the above is true under penalty of perjury under the laws of the  
2 State of California.

3  
4 DATED: May 28, 2008



David G. Coyle

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# Exhibit A

ArtBrokers, Inc.

5/22/2008

Register: 1200 - Accounts Receivable

From 01/01/2003 through 05/22/2008

Sorted by: Date, Type, Number/Ref

Date	Number	Customer	Memo/Description	Qty	Rate	Charge	Paid	Balance
05/01/2003	6290	Kevin Barry Fine A...				263.00		263.00
06/23/2003		Kevin Barry Fine A...					263.00	0.00
06/24/2003	6391	Kevin Barry Fine A...				730.00		730.00
07/01/2003	6403	Kevin Barry Fine A...				142.50		872.50
07/29/2003		Kevin Barry Fine A...					730.00	142.50
07/29/2003		Kevin Barry Fine A...					142.50	0.00
10/02/2003	6583	Kevin Barry Fine A...				753.00		753.00
11/04/2003		Kevin Barry Fine A...					753.00	0.00
11/10/2003	6653	Kevin Barry Fine A...				508.00		508.00
12/10/2003		Kevin Barry Fine A...					508.00	0.00
03/23/2004	6882	Kevin Barry Fine A...				427.50		427.50
05/20/2004		Kevin Barry Fine A...					427.50	0.00
07/21/2004	7069	Kevin Barry Fine A...				952.50		952.50
08/23/2004		Kevin Barry Fine A...					952.50	0.00
10/04/2004	7222	Kevin Barry Fine A...				590.00		590.00
11/09/2004	7285	Kevin Barry Fine A...				372.50		962.50
11/11/2004	7289	Kevin Barry Fine A...				2,352.50		3,315.00
11/15/2004		Kevin Barry Fine A...					590.00	2,725.00
12/07/2004		Kevin Barry Fine A...					2,352.50	372.50
02/10/2005	7503	Kevin Barry Fine A...				2,528.10		2,900.60
03/04/2005		Kevin Barry Fine A...					372.50	2,528.10
03/04/2005		Kevin Barry Fine A...					2,528.10	0.00
03/16/2005	7576	Kevin Barry Fine A...				760.00		760.00
03/25/2005	7595	Kevin Barry Fine A...				360.00		1,120.00
04/07/2005	7634	Kevin Barry Fine A...				165.00		1,285.00
04/15/2005	7651	Kevin Barry Fine A...				370.00		1,655.00
05/05/2005		Kevin Barry Fine A...					370.00	1,285.00
05/05/2005		Kevin Barry Fine A...					165.00	1,120.00
05/05/2005		Kevin Barry Fine A...					360.00	760.00
05/05/2005		Kevin Barry Fine A...					760.00	0.00
05/06/2005	7691	Kevin Barry Fine A...				936.25		936.25
05/11/2005	7762	Kevin Barry Fine A...				323.00		1,259.25
05/23/2005	7734	Kevin Barry Fine A...				447.50		1,706.75
05/31/2005		Kevin Barry Fine A...					936.25	770.50
06/06/2005		Kevin Barry Fine A...					447.50	323.00
07/06/2005		Kevin Barry Fine A...					323.00	0.00
07/22/2005	7870	Kevin Barry Fine A...				907.50		907.50
08/03/2005	7890	Kevin Barry Fine A...				412.00		1,319.50
08/19/2005	7931	Kevin Barry Fine A...				125.00		1,444.50

ArtBrokers, Inc.

5/22/2008

Register: 1200 · Accounts Receivable

From 01/01/2003 through 05/22/2008

Sorted by: Date, Type, Number/Ref

Date	Number	Customer	Memo/Description	Qty	Rate	Charge	Paid	Balance
09/06/2005		Kevin Barry Fine A...					125.00	1,319.50
09/12/2005		Kevin Barry Fine A...					412.00	907.50
09/12/2005		Kevin Barry Fine A...					907.50	0.00
09/14/2005	7982	Kevin Barry Fine A...				595.00		595.00
10/07/2005	8034	Kevin Barry Fine A...				372.50		967.50
10/12/2005		Kevin Barry Fine A...					595.00	372.50
11/10/2005	8116	Kevin Barry Fine A...				899.50		1,272.00
11/17/2005		Kevin Barry Fine A...					372.50	899.50
12/07/2005	8153	Kevin Barry Fine A...				447.50		1,347.00
12/27/2005		Kevin Barry Fine A...					899.50	447.50
12/27/2005		Kevin Barry Fine A...					447.50	0.00
01/23/2006	8214	Kevin Barry Fine A...				380.00		380.00
02/23/2006	8245	Kevin Barry Fine A...				920.00		1,300.00
03/31/2006		Kevin Barry Fine A...					920.00	380.00
05/11/2006	8345	Kevin Barry Fine A...				467.50		847.50
05/16/2006	8350	Kevin Barry Fine A...				1,528.00		2,375.50
05/22/2006	8358	Kevin Barry Fine A...				865.00		3,240.50
06/08/2006		Kevin Barry Fine A...					353.50	2,887.00
06/23/2006		Kevin Barry Fine A...					467.50	2,419.50
08/03/2006		Kevin Barry Fine A...					1,528.00	891.50
08/03/2006		Kevin Barry Fine A...					865.00	26.50
08/03/2006		Kevin Barry Fine A...					380.00	-353.50
09/20/2006	8492	Kevin Barry Fine A...				230.00		-123.50
10/03/2006	8515	Kevin Barry Fine A...				194.50		71.00
10/26/2006		Kevin Barry Fine A...					194.50	-123.50
10/26/2006		Kevin Barry Fine A...					230.00	-353.50
11/02/2006	8548	Kevin Barry Fine A...				230.00		-123.50
02/19/2007	8658	Kevin Barry Fine A...				235.00		111.50
03/09/2007		Kevin Barry Fine A...					1,710.00	-1,598.50
03/09/2007	8674	Kevin Barry Fine A...				450.00		-1,148.50
03/09/2007	8675	Kevin Barry Fine A...				3,470.00		2,321.50
03/27/2007		Kevin Barry Fine A...					235.00	2,086.50
04/12/2007		Kevin Barry Fine A...					450.00	1,636.50
05/02/2007		Kevin Barry Fine A...					1,760.00	-123.50
06/15/2007	8785	Kevin Barry Fine A...				341.81		218.31
07/02/2007	8804	Kevin Barry Fine A...				716.00		934.31
07/10/2007		Kevin Barry Fine A...					341.81	592.50
07/31/2007		Kevin Barry Fine A...					716.00	-123.50
08/23/2007	8865	Kevin Barry Fine A...				140.00		16.50

5/22/2008

Register: 1200 - Accounts Receivable

From 01/01/2003 through 05/22/2008

Sorted by: Date, Type, Number/Ref

Date	Number	Customer	Memo/Description	Qty	Rate	Charge	Paid	Balance
09/20/2007	8889	Kevin Barry Fine A...				442.00		458.50
10/11/2007		Kevin Barry Fine A...					140.00	318.50
10/17/2007		Kevin Barry Fine A...					442.00	-123.50
01/03/2008	8974	Kevin Barry Fine A...				132.50		9.00
02/07/2008		Kevin Barry Fine A...					132.50	-123.50
02/10/2008	9023	Kevin Barry Fine A...				325.00		201.50

# Exhibit B



ART BROKERS, INC.  
247 SHORELINE HIGHWAY  
MILL VALLEY, CALIFORNIA 94041  
TEL 415 380-4100  
FAX 415 380-4101

DAVID G. COYLE

SOLD TO: KEVIN BARRY FINE ART SHIP TO:

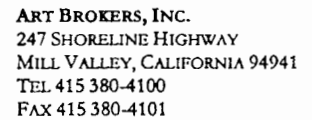
1 of 2

SALES  
ORDER

P.O. KB 1332 TERMS Consignment +  
2063

DATE 12-1-04

QTY	STOCK#	ARTIST	TITLE	FRAME	ART RETAIL
1	46/150	TJASA	FALL BLOOM		350 -
1	34/150	TJASA	FOUR TREES & OCEAN BLUE		350 -
1	20/150	TJASA	JUST BEYOND THE FENCE		475 -
1	22/150	TJASA	MARSH		475 -
1	16/150	TJASA	MENDINGWOOD TREES		475 -
1	39/150	TJASA	PASSAGE		350 -
1	18/150	TJASA	TITE BLUE THAT RUNS THROUGH		475 -
1	32/150	TJASA	THREE TREES & BARN		350 -
1	85/150	TJASA	SEAGRASS		475 -
1	22/150	TJASA	WHERE THE ROAD MEETS THE SKY		475 -
1	13/150	RYNE	PRICKLY PEAR		700 -
1	CTP	GRABM	THISTLES		650 -
1	22/200	GRABM	FALL VINEYARD		650 -
1	AP 14/150	GRABM	DUNE WILD FLOWERS		475 -
1	12/150	GRABM	FALL GRASS		650 -
1	15/150	KRAMER	NEW LIGHT I		475 -
1	14/150	KRAMER	NEW LIGHT II		475 -



SOLD TO: KEVIN BARRY FINEART SHIP TO:

2 of 2

P.O. 133 1332 TERMS Consignment  
2063

DATE 12-1-04

[illegible]



See instructions on back. Call 1-800-PICK-UPS (800-742-5877) for additional information.

TRACKING NUMBER 1Z A95 9X3 22 1000 071 4

1 SHIPMENT FROM

SHIPPER'S UPS ACCOUNT NO. A 9 5 9 X 3

REFERENCE NUMBER

NAME DAVID COYLE TELEPHONE 415-380-4100

COMPANY ART BROKERS INC

STREET ADDRESS 247 SHORELINE HWY SPACE #12

CITY AND STATE MILL VALLEY CA ZIP CODE 94941-3664

2 EXTREMELY URGENT DELIVERY TO

NAME KEVIN BARRY TELEPHONE (323) 951-1860

COMPANY FINEART ASSOC. ATTN: LORAINNE

STREET ADDRESS 8210 MELROSE

CITY AND STATE LOS ANGELES, CA ZIP CODE 90046



3	WEIGHT ENTER "LBS" OR "KG"	DIMENSIONAL WEIGHT ENTER "LBS" OR "KG"	SHIPPER'S COPY
4	12 LBS		
5	<b>TYPE OF SERVICE</b> <input checked="" type="checkbox"/> NEXT DAY AIR <input type="checkbox"/> EXPRESS (INT'L) <b>FOR WORLDWIDE EXPRESS SHIPMENTS</b> Mark an "X" in this box if shipment only contains documents of no commercial value. <input type="checkbox"/> DOCUMENTS ONLY		<b>CHARGES</b> \$
5	<input type="checkbox"/> SATURDAY PICKUP See instructions <input type="checkbox"/> SATURDAY DELIVERY See instructions		\$
5	<b>OPTIONAL SERVICES</b> <input type="checkbox"/> INSURED VALUE Contents are automatically protected up to \$100. For insured value over \$100, see instructions. \$1000 AMOUNT <input type="checkbox"/> C.O.D. Enter amount to be collected and attach completed UPS C.O.D. tag to package. \$ AMOUNT		\$
6	<b>ADDITIONAL HANDLING CHARGE</b> <input type="checkbox"/> An Additional Handling Charge applies for certain items. See instructions.		\$
7	<b>TOTAL CHARGES</b>		\$
7	<b>METHOD OF PAYMENT</b> <input checked="" type="checkbox"/> CASH <input type="checkbox"/> CHECK <input type="checkbox"/> CREDIT CARD <input type="checkbox"/> ACCOUNT PAYABLE Record Account No. in Section 8		\$
8	SHIPPER'S THIRD PARTY'S UPS ACCOUNT OR MAJOR CREDIT CARD NO.		EXPIRATION DATE
8	THIRD PARTY'S COMPANY NAME		
8	THIRD PARTY'S ADDRESS		
8	THIRD PARTY'S PHONE		
8	THIRD PARTY'S ZIP CODE		
9	SHIPPER'S SIGNATURE <i>[Signature]</i>		DATE OF SHIPMENT 1/21/04

0101911202609 11:00 W



KB 1332

Kevin Barry

Order No. 2063

Order Date \_\_\_\_\_

Page \_\_\_\_\_ of \_\_\_\_\_

fine art associates

8210 Melrose Avenue

Los Angeles, California 90046

★ 323.951.1860 ✉ 323.951.1866

www.kevinbarryfineart.com

☐ SALES ORDER☐ RECEIVING REPORT☐ PROPOSAL☐ ADJUSTMENTS☐ PURCHASE ORDER☐ OTHER

Name & Address <u>Bar Brokers</u>		Ship To/From <u>Consigree to CBFAA</u>	
E MAIL		TELEPHONE	FAX
CUSTOMER P.O. #	TERMS	SALES PERSON	SHIP VIA
BUYER	CREDIT APPROVAL	F.O.B.	

1	✓	Cruker	Dune Wildflowers		
1	✓	"	For Grass		
1	✓	"	For Vineyard		
1	✓	"	Main Beach sub-tilled thistles		
4	✓✓	HAWKINTH			
5	4	KASNER			
1		MAXON	Balance, Roman, Sweeper		
		Mitchel	all others		
8	✓	Owens	Assorted (sent 10)		
14	✓	POYNE	Prickly Pear		
CUSTOMER INFO/REQUESTS ONLY			CONSIGNEE SHOULD CHECK THE CONDITION OF ALL ARTWORK BEFORE IT LEAVES THE SHOWROOM. UPON RETURN, ALL DAMAGES WILL BE THE RESPONSIBILITY OF THE CONSIGNEE. ALL DAMAGED ARTWORK WILL BE BILLED AT FULL VALUE.		SUB-TOTAL
DUE DATE _____					TAX
S/M _____					INSTALL/DELIVER
RECEIVE VIA _____					SHIPPING/HANDLING
NUMBER OF CARTONS _____					GRAND TOTAL
CONDITION OF CARTONS _____					LESS DEPOSIT < >
RECEIVED BY _____			Owner/Authorized Agent Signature  X _____		BALANCE DUE

NO RETURNED MERCHANDISE WILL BE ACCEPTED WITHOUT PRIOR AUTHORIZATION FROM KEVIN BARRY FINE ART ASSOCIATES.  
CLAIMS FOR DAMAGED OR SHORTAGES MUST BE REPORTED WITHIN FIVE BUSINESS DAYS OF RECEIPT OF SHIPMENT.

WHITE - OFFICE

CANARY - CHRYSLER

KEVIN BARRY FINE ART

3239511866

11/08/2004 15:23

# Invoice

Date	Invoice #
3/23/2004	6882

Bill To
Kevin Barry Fine Art 8210 Melrose Avenue Los Angeles,CA 90046

Ship To

[illegible]



ArtBrokers, Inc.  
 247 Shoreline Highway  
 Mill Valley, CA, CA 94941  
 Ph. 415 380 4100  
 Fax 415 380 4101

**Invoice**

Date	Invoice #
5/22/2006	8358

**Bill To**

Kevin Barry Fine Art  
 8210 Melrose Avenue  
 Los Angeles, CA 90046

**Ship To**

P.O. No.	Terms	Ship Via	FOB	Project
L	Net 30			05/22/06

Qty	Description	Unit	Extension
	For PBI Pasadena		
1	MAXON Highland 18/200	210.00	210.00
1	MAXON Return 34/200	210.00	210.00
	For PBI Arcadia		
1	MAXON Presence 200/200	210.00	210.00
1	MAXON Balance 30/200	210.00	210.00
1	Shipping & handling	25.00	25.00

*Outstanding*

<b>Subtotal</b>	<b>\$865.00</b>
<b>Sales Tax (7.25%)</b>	<b>\$0.00</b>
<b>Total</b>	<b>\$865.00</b>
<b>Payments/Credits</b>	<b>\$0.00</b>
<b>Balance Due</b>	<b>\$865.00</b>



ArtBrokers, Inc.  
 247 Shoreline Highway  
 Mill Valley, CA, CA 94941  
 Ph. 415 380 4100  
 Fax 415 380 4101

## Invoice

Date	Invoice #
5/16/2006	8350

## Bill To

Kevin Barry Fine Art  
 8210 Melrose Avenue  
 Los Angeles, CA 90046

## Ship To

Monarch Framing

P.O. No.	Terms	Ship Via	FOB	Project
	Net 30			05/16/06
Qty	Description	Unit	Extension	
1	OWEN Where The Road 36/150	142.50	142.50	
1	OWEN Three Trees 24/150	105.00	105.00	
1	OWEN Four Trees 49/150	105.00	105.00	
1	OWEN Meadowood Trees 12/150	142.50	142.50	
1	OWEN The Blue That Runs Through It 20/150	142.50	142.50	
1	MITCHELL Sunset Path 21/100	210.00	210.00	
1	MITCHELL Oasis Evening 12/100	210.00	210.00	
1	MITCHELL Evening Shadows 40/200	142.50	142.50	
1	MITCHELL Desert Valley (Valley View) CTP	90.00	90.00	
1	MITCHELL Ocean Path 40/200	210.00	210.00	
	Shipping & handling	28.00	28.00	
			<b>Subtotal</b>	<b>\$1,528.00</b>
			<b>Sales Tax (7.25%)</b>	<b>\$0.00</b>
			<b>Total</b>	<b>\$1,528.00</b>
			<b>Payments/Credits</b>	<b>\$0.00</b>
			<b>Balance Due</b>	<b>\$1,528.00</b>

KB 4833

# Kevin Barry

fine art associates

8210 Melrose Avenue  
Los Angeles, California 90046  
323.951.1860 323.951.1866  
www.kevinbarryfineart.com

☐ SALES ORDER ☐ RECEIVING REPORT  
☐ PROPOSAL ☐ ADJUSTMENTS  
☒ PURCHASE ORDER ☐ OTHER

Order No. \_\_\_\_\_  
Order Date 9-14-06  
Page 1 of 1

Name & Address

ARTBROKERS

Ship To/From

PO. 4833

David or Julie  
#

E MAIL

TELEPHONE

FAX

415 380.4101

CUSTOMER P.O. #

TERMS

SALES PERSON

SHIP VIA

BUYER

CREDIT APPROVAL

F.O.B.

1 ~~25/100~~ Mitchell Autumn Lane (large one)

25/100

CUSTOMER INFO/REQUESTS ONLY

DUE DATE 12-31-06

I/M 12-31-06 CBP Madras

RECEIVE VIA \_\_\_\_\_

NUMBER OF CARTONS \_\_\_\_\_

CONDITION OF CARTONS \_\_\_\_\_

RECEIVED BY \_\_\_\_\_

CONSIGNEE SHOULD CHECK THE CONDITION OF ALL ARTWORK BEFORE IT LEAVES THE SHOWROOM. UPON RETURN, ALL DAMAGES WILL BE THE RESPONSIBILITY OF THE CONSIGNEE. ALL DAMAGED ARTWORK WILL BE BILLED AT FULL VALUE.

The undersigned agrees that should it be necessary for Kevin Barry Fine Art Associates to take legal action to collect any sums due under this agreement, the undersigned will pay any reasonable traveling expenses, collection costs, and attorney's fees incident thereto.

Owner/Authorized Agent Signature

X \_\_\_\_\_

SUB-TOTAL

TAX

INSTALL/DELIVER

SHIPPING/HANDLING

GRAND TOTAL

LESS DEPOSIT

BALANCE DUE

NO RETURNED MERCHANDISE WILL BE ACCEPTED WITHOUT PRIOR AUTHORIZATION FROM KEVIN BARRY FINE ART ASSOCIATES.  
CLAIMS FOR DAMAGED OR SHORTAGES MUST BE REPORTED WITHIN FIVE BUSINESS DAYS OF RECEIPT OF SHIPMENT.

OFFICE COPY

DAVID G.COYLE

**SALES  
ORDER**

Po H

4833

P.O.

**TERMS** *Packing*  
*List*

DATE 9.22.00

[illegible]

P.O.

# Kevin Barry

ART BREAKS

David or Julie

8210 Melrose  
LA 90046

FAX 415 380.4101

SHIP VIA

F.O.B.

1

MAXON

EXPENSE - Large size

10.10.06

Please ship

Use p.o. 4997 & S/M

Thanks

Rene

S/N 121-CB7 LA CANADA

x

BALANCE DUE

OFFICE COPY



Kevin Barry

Billed # 7576

Order No. 2316

Order Date \_\_\_\_\_

Page \_\_\_\_\_ of \_\_\_\_\_

fine art associates

8210 Melrose Avenue

Los Angeles, California 90046

323.951.1860 A 323.951.1866

www.kevinbarryfineart.com

☐ SALES ORDER☐ RECEIVING REPORT☐ PROPOSAL☐ ADJUSTMENTS☒ PURCHASE ORDER ☐ OTHER

Name &amp; Address

Ship To/From

Art Brokers  
David Cuyler  
247 Shoreline Hwy  
Mill Valley, Ca 94941

KBFA - s/m c. wide  
cafeteria - stained

E MAIL

TELEPHONE

(415) 380-4100

FAX

380-4101

CUSTOMER P.O. #

TERMS

SALES PERSON

SHIP VIA

BEST

BUYER

CREDIT APPROVAL

F.O.B.

Lot

QTY	CODE	ARTIST	TITLE/DESCRIPTION	UNIT PRICE	AMOUNT
1	CBTC	Young	Tea For 4	74/250	135
1	CBTC	Young	Like Apple fell out	11/200	135
1	CBTC	"	Wine melody	41/250	135
1	CBTC	"	Table for two	41/250	135
			S/M - C. WIDE - cafeteria		
1	CBTC	Gruher	Hollande Road	26/150	195
1	<del>CBTC</del>	<del>Owens</del>	<del>Blue text person</del>	<del>142.50</del>	<del>142.50</del>
1	CBT	Owens	Just beyond the fence	142.50	142.50

CUSTOMER INFO/REQUESTS ONLY

CONSIGNEE SHOULD CHECK THE CONDITION OF ALL ARTWORK BEFORE IT LEAVES THE SHOWROOM. UPON RETURN, ALL DAMAGES WILL BE THE RESPONSIBILITY OF THE CONSIGNEE. ALL DAMAGED ARTWORK WILL BE BILLED AT FULL VALUE.

SUB-TOTAL

540

DUE DATE

TAX

S/M

INSTALL/DELIVER

+ SHIPPING/HANDLING

RECEIVE VIA

GRAND TOTAL

1020

NUMBER OF CARTONS

LESS DEPOSIT

&lt; &gt;

CONDITION OF CARTONS

Owner/Authorized Agent Signature

BALANCE DUE

RECEIVED BY

X

NO RETURNED MERCHANDISE WILL BE ACCEPTED WITHOUT PRIOR AUTHORIZATION FROM KEVIN BARRY FINE ART ASSOCIATES. CLAIMS FOR DAMAGED OR SHORTAGES MUST BE REPORTED WITHIN FIVE BUSINESS DAYS OF RECEIPT OF SHIPMENT.

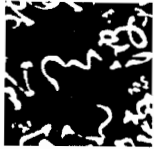
WHITE - OFFICE

CANARY - CUSTOMER

PINK - SHOWROOM FILE

GOLD - SALESPERSON





ArtBrokers, Inc.  
 247 Shoreline Highway  
 Mill Valley, CA, CA 94941  
 Ph. 415 380 4100  
 Fax 415 380 4101

**Invoice**

Date	Invoice #
3/16/2005	7576

Bill To
Kevin Barry Fine Art 8210 Melrose Avenue Los Angeles, CA 90046

Ship To
Kevin Barry Fine Art S/M C.Wide Cafeteria

P.O. No.	Terms	Ship Via	FOB	Project
2348//2316	Net 30	UPS		03/17/05

Qty	Description	Unit	Extension
1	KARYN YOUNG Tea for Four 74/250	135.00	135.00
1	KARYN YOUNG The Apple Fell Out 11/200	135.00	135.00
1	KARYN YOUNG Wine Melody 41/250	135.00	135.00
1	KARYN YOUNG Table for Two 41/250	135.00	135.00
1	WENDY GRUBER Hillside Road 26/150	195.00	195.00
	Shipping and handling	25.00	25.00

<b>Subtotal</b>			<b>\$760.00</b>
<b>Sales Tax (7.25%)</b>			<b>\$0.00</b>
<b>Total</b>			<b>\$760.00</b>
<b>Payments/Credits</b>			<b>\$-760.00</b>
<b>Balance Due</b>			<b>\$0.00</b>



ArtBrokers, Inc.  
247 Shoreline Highway  
Mill Valley, CA, CA 94941  
Ph. 415 380 4100  
Fax 415 380 4101

## Invoice

Date	Invoice #
2/10/2005	7503

## Bill To

Kevin Barry Fine Art  
8210 Melrose Avenue  
Los Angeles, CA 90046

## Ship To

**NET 30**

P.O. No.	Terms	Ship Via	FOB	Project
2225	Listed Below			02/11/05
Qty	Description	Unit	Extension	
1	AUSTIN Two Trees 71/150	142.50	142.50T	
1	AUSTIN Three Trees 31/150	142.50	142.50T	
1	AUSTIN Distant Horizon 81/150	142.50	142.50T	
1	AUSTIN Six Trees 73/150	142.50	142.50T	
1	LONG Abstract A 25/150	180.00	180.00T	
1	LONG Abstract C 25/150	180.00	180.00T	
1	LONG Mullica 13/150	180.00	180.00T	
1	LONG Raritan 25/150	180.00	180.00T	
1	OWEN Just Beyond The Fence 22/150	142.50	142.50T	
1	OWEN Where The Road Meets 26/150	142.50	142.50T	
1	ZENER Taking The Plunge 71/150	187.50	187.50T	
1	ZENER After The Plunge 68/150	187.50	187.50T	
1	ZENER Two High Divers 13/120	271.85	271.85T	
1	ZENER Seeker 23/120	281.25	281.25T	
	Shipping & Handling	0.00	0.00	
			<b>Subtotal</b>	\$2,503.10
			<b>Sales Tax (7.25%)</b>	<del>\$181.47</del>
			<b>Total</b>	\$2,684.57
			<b>Payments/Credits</b>	\$0.00
			<b>Balance Due</b>	\$2,684.57

\* 252

**Kevin Barry**

fine art associates

8210 Melrose Avenue  
Los Angeles, CA 90046

# Purchase Order

DATE	P.O. NO.
2/10/2005	2225

Vendor
Art Brokers, Inc. David Coyle 247 Shoreline Valley Mill Valley, CA 94941

Ship To
Kevin Barry Fine Art Associates 8210 Melrose Avenue Los Angeles, CA 90046

ITEM	DESCRIPTION	QTY	RATE	AMOUNT
200	Limited Edition-Austin Two Trees	1	0.00	0.00
200	Limited Edition-Austin Three Trees	1	0.00	0.00
200	Limited Edition-Austin Distant Horizon	1	0.00	0.00
200	Limited Edition-Austin Six Trees	1	0.00	0.00
200	Limited Edition-Long Abstract A	1	0.00	0.00
200	Limited Edition-Long Abstract C	1	0.00	0.00
200	Limited Edition-Long Mullica	1	0.00	0.00
200	Limited Edition-Long Raritan	1	0.00	0.00
200	Limited Edition-Owen Just Beyond the Fence	1	0.00	0.00
200	Limited Edition-Owen Where the Road Meets the Sky	1	0.00	0.00
200	Limited Edition-Zener Take the Plunge	1	0.00	0.00
200	Limited Edition-Zener After the Plunge	1	0.00	0.00
200	Limited Edition-Zener Two High Divers	1	0.00	0.00
200	Limited Edition-Zener Seeker	1	0.00	0.00
			<b>Total</b>	\$0.00

KB 1305

Kevin Barry

Order No. 2010

Order Date \_\_\_\_\_

Page \_\_\_\_\_ of \_\_\_\_\_

fine art associates

8210 Melrose Avenue

Los Angeles, California 90046

★ 323.951.1860 ★ 323.951.1866

www.kevinbarryfineart.com

☐ SALES ORDER☐ RECEIVING REPORT☐ PROPOSAL☐ ADJUSTMENTS☒ PURCHASE ORDER ☐ OTHER

Name & Address <u>Art Brokers</u>		Ship To/From <u>KBFAA</u> <u>(ORDER)</u>	
E MAIL		TELEPHONE	FAX
CUSTOMER P.O. #	TERMS	SALES PERSON <u>DS</u>	SHIP VIA
BUYER	CREDIT APPROVAL	F.O.B.	

QTY	SIZE	ARTIST	ART DESCRIPTION	UNIT PRICE	TOTAL
4		AUSTIN	1ea - Distant Horizon, 6 Trees, 3 Trees Two Trees	142.50 ea	570
1		Cramer	Wetland Road		195
3		Long	ABSTRACT A, B, C (1ea)	180	<del>360</del> 540
2		Long	Mullica Horizon 1ea	180	360
1		MAXON	ESSENCE B/O		200
1		MAXON	EXPRESS		142.50
2		Mitchell	Bougainvillea 14" x 11"	142.50	285
1		"	Desert Sunrise		142
1		"	EASTERN Slope		210

CUSTOMER INFO/REQUESTS ONLY  DUE DATE _____ S/M _____  RECEIVE VIA _____ NUMBER OF CARTONS _____ CONDITION OF CARTONS _____ RECEIVED BY _____	CONSIGNEE SHOULD CHECK THE CONDITION OF ALL ARTWORK BEFORE IT LEAVES THE SHOWROOM. UPON RETURN, ALL DAMAGES WILL BE THE RESPONSIBILITY OF THE CONSIGNEE. ALL DAMAGED ARTWORK WILL BE BILLED AT FULL VALUE.  The undersigned agrees that should it be necessary for Kevin Barry Fine Art Associates to take legal action to collect any sums due under this agreement, the undersigned will pay any reasonable traveling expenses, collection costs, and attorney's fees incident thereto.  Owner/Authorized Agent Signature _____	SUB-TOTAL	
		TAX	
		INSTALL/DELIVER	
		SHIPPING/HANDLING	
		GRAND TOTAL	
		LESS DEPOSIT	< >
BALANCE DUE			

NO RETURNED MERCHANDISE WILL BE ACCEPTED WITHOUT PRIOR AUTHORIZATION FROM KEVIN BARRY FINE ART ASSOCIATES. CLAIMS FOR DAMAGED OR SHORTAGES MUST BE REPORTED WITHIN FIVE BUSINESS DAYS OF RECEIPT OF SHIPMENT.

WHITE - OFFICE

CANARY - CUSTOMER

KEVIN BARRY FINE ART

DIXIE - CUSTOMER

3239511866

15:23

11/08/2004



ARTBROKERS, INC.  
247 SHORELINE HIGHWAY  
MILL VALLEY, CALIFORNIA 94941

TEL 415 380-4100  
FAX 415 380-4101

DAVID G. COYLE

Date: 11/16/04

Pages to follow: 1

To: Kevin Barry

Company: Kevin Barry Fine Art Associates

Fax: (323)951-1866

Reference: Prints

Comments:

Hi Kevin -

You will receive these prints today. The backordered and consigned prints will follow soon. Thanks again.

Best regards,  
David



ArtBrokers, Inc.  
247 Shoreline Highway  
Mill Valley, CA, CA 94941  
Ph. 415 380 4100  
Fax 415 380 4101

# Invoice

Date	Invoice #
11/11/2004	7289

<b>Bill To</b>
Kevin Barry Fine Art 8210 Melrose Avenue Los Angeles, CA 90046

<b>Ship To</b>

P.O. No.	Terms	Ship Via	FOB	Project
2010/1305	Listed Below	UPS		11/11/04
Qty	Description	Unit	Extension	
1	AUSTIN Distant Horizon 26/150	142.50	142.50	
1	AUSTIN Six Trees 62/150	142.50	142.50	
1	AUSTIN Three Trees 25/150	142.50	142.50	
1	AUSTIN Two Trees - Backordered	0.00	0.00	
1	GRUBER Hillside Road 18/150	195.00	195.00	
1	LONG Abstract A 19/150	180.00	180.00	
1	LONG Abstract B 19/150	180.00	180.00	
1	LONG Abstract C 18/150	180.00	180.00	
1	LONG Mullica 25/150	180.00	180.00	
1	LONG Raritan 24/150	180.00	180.00	
1	MAXON Essence - Backordered	0.00	0.00	
1	MAXON Expanse 11/150	142.50	142.50	
1	MITCHELL Bougainvillea I 27/200	142.50	142.50	
1	MITCHELL Bougainvillea II 14/200	142.50	142.50	
1	MITCHELL Desert Sunrise 19/200	142.50	142.50	
1	MITCHELL Eastern Slope 33/200	210.00	210.00	
1	Shipping and Handling	50.00	50.00	
	50% deposit due with order, balance net 30			
			<b>Subtotal</b>	<b>\$2,352.50</b>
			<b>Sales Tax (7.25%)</b>	<b>\$0.00</b>
			<b>Total</b>	<b>\$2,352.50</b>
			<b>Payments/Credits</b>	<b>\$0.00</b>
			<b>Balance Due</b>	<b>\$2,352.50</b>

Art Broker			Original Amt.	Balance Due	Discount	Payment
Date	Type	Reference				
11/08/2004	Bill	7289	2,352.50	2,352.50		2,352.50
Check Amount						2,352.50

Business Checking	7289	2,352.50
-------------------	------	----------



DAVID G.COYLE

**SALES  
ORDER**

**P.O.**

## TERMS

Consignment **DATE** 2-20-06

[illegible]



# Exhibit C

**Marc N. Bernstein**

---

**From:** David Coyle [david@artbrokersinc.com]  
**Sent:** Wednesday, May 14, 2008 4:25 PM  
**To:** Marc N. Bernstein  
**Subject:** Fwd: Allison Barry Will be in the Bay Area and Beyond Showing New Canvases May 3rd, 4th, and 5th

David Coyle  
ArtBrokers, Inc  
2660 Bridgeway  
Sausalito, CA 94965  
P 415 332 2660  
F 415 332 2680

<http://www.artbrokersinc.com>

Begin forwarded message:

**From:** Jason Fiore <jason@kevinbarryfineart.com>  
**Date:** May 2, 2006 12:14:01 PM PDT  
**To:** David Coyle <david@artbrokersinc.com>  
**Subject:** Allison Barry Will be in the Bay Area and Beyond Showing New Canvases May 3rd, 4th, and 5th

David,

Allison Barry will be in the Carmel area on Wednesday May 3rd and the Bay Area May 4th and 5th showing new original artwork by a wide variety of artists. If you are currently looking for artwork for your interior project and would like her to stop by your office feel free to set up an appointment via email ([jason@kevinbarryfineart.com](mailto:jason@kevinbarryfineart.com)) or phone (323)951-1860. Allison can bring particular pieces based on your specifications (i.e. style, content, color palette, size, etc.) so please let us know what you are looking for. If you would like to get an idea as to the type of artwork we carry please visit us online at [www.kevinbarryfineart.com](http://www.kevinbarryfineart.com).

Best,

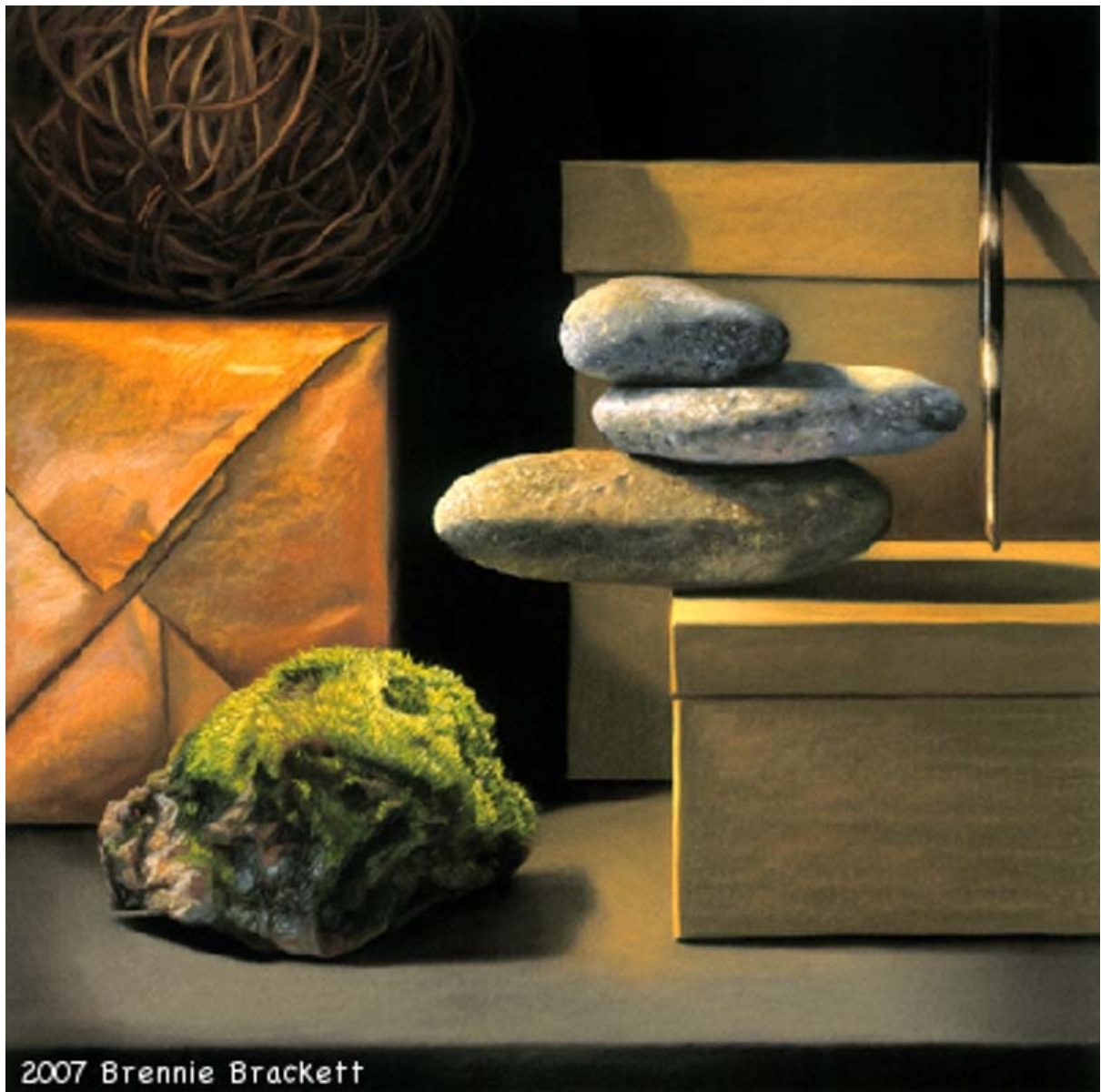
Jason Fiore  
Director of Marketing  
Kevin Barry Fine Art Associates  
8210 Melrose Avenue  
Los Angeles, CA 90046  
Ph: (323) 951-1860 Fax: (323) 951-1866  
Web: [www.kevinbarryfineart.com](http://www.kevinbarryfineart.com)

5/21/2008

# Exhibit D



*Falling Into Place*, Copyright 2003 by Brennie Brackett



*Winters Velvet*, Copyright 2002 by Brennie Brackett



*Great Expectations*, Copyright 2002 by Brennie Brackett

# Exhibit E





ArtBrokers, Inc.  
 247 Shoreline Highway  
 Mill Valley, CA, CA 94941  
 Ph. 415 380 4100  
 Fax 415 380 4101

**Invoice**

Date	Invoice #
11/10/2005	8116

**Bill To**

Kevin Barry Fine Art  
 8210 McIrosc Avenue  
 Los Angeles, CA 90046

**Ship To**

P.O. No.	Terms	Ship Via	FOB	Project
3935	Net 30			11/10/05
Qty	Description	Unit	Extension	
1	MITCHELL Five Bales 39/200	475.00	475.00	
1	BRACKETT Falling Into Place 26/150	500.00	500.00	
1	BRACKETT Winter's Velvet 17/150	475.00	475.00	
1	RYAN Awakening 28/100	500.00	500.00	
1	RYAN Early Dawn 21/100	500.00	500.00	
1	PAYNE Summer Aerial CTP	475.00	475.00	
	Subtotal		2,925.00	
	Less 50%	-50.00%	-1,462.50	
	Subtotal		1,462.50	
	Less 40%	-40.00%	-585.00	
	Shipping	22.00	22.00	
			<b>Subtotal</b>	<b>\$899.50</b>
			<b>Sales Tax (7.25%)</b>	<b>\$0.00</b>
			<b>Total</b>	<b>\$899.50</b>
			<b>Payments/Credits</b>	<b>\$0.00</b>
			<b>Balance Due</b>	<b>\$899.50</b>



# Exhibit F



Hilton Reproduction of *Falling Into Place*



Hilton Reproduction of *Winters Velvet*



Hilton Reproduction of *Great Expectations*